

1978 No. 1258

WILD BIRDS

The Wild Birds (Poole Harbour Sanctuary) Order 1978

Made - - - 22nd August 1978

Coming into operation 1st September 1978

The Secretary of State for the Environment, in exercise of the powers conferred by section 3(1) of the Protection of Birds Act 1954(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Wild Birds (Poole Harbour Sanctuary) Order 1978 and shall come into operation on 1st September 1978.

2. (1) In this order “the Act” means the Protection of Birds Act 1954.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act this order were an Act of Parliament and the provisions revoked by article 3 below were an Act of Parliament thereby repealed.

3. Article 4(b) of the Wild Birds Protection (Administrative County of Dorset) Order 1948(c) is hereby revoked.

4. The area specified in Schedule 1 to this order (hereinafter referred to as the “Poole Harbour Sanctuary”) shall be a bird sanctuary.

5. Subject to the provisions of the Act, any person who, within the Poole Harbour Sanctuary,

(a) at any time, wilfully kills, injures or takes, or attempts to kill, injure or take, any wild bird, or

(b) wilfully takes or destroys an egg of any wild bird,
shall be guilty of an offence against the Act.

6. Where any person does anything which by virtue of article 5 above is an offence against the Act, he shall be liable to a special penalty.

7. Subject to the provisions of the Act, any person who at any time enters that part of the Poole Harbour Sanctuary which is specified in Schedule 2 to this order, other than the inter-tidal zone, shall be guilty of an offence against the Act.

(a) 1954 c. 30.

(b) 1889 c. 63.

(c) S.I. 1948/409.

POOLE HARBOUR SANCTUARY

The Poole Harbour Sanctuary comprises the following parts of the District of Poole and the District of Purbeck in the County of Dorset:

- (a) Brownsea Island and all the adjacent mud flats and land above the low water mark of medium tides;
- (b) All that part of Poole Harbour which is above the low water mark of medium tides and lies within an imaginary line commencing at the north-easternmost corner of the northernmost pier near Quay Cottages on Brownsea Island and running 008° true north to the south-western corner of Poole Harbour Yacht Club Marina and thereafter along the north-western side of the said Marina, along the high water mark of medium tides to the point where that mark meets The Quay east of the Lifeboat Station, in a westerly direction along the southern wall of The Quay to the points where the line of National Grid Reference 01 crosses that wall, in a southerly direction along that line to the southern bank of the Little Channel and along the eastern wall of New Quay to its southernmost point, and finally, due south to end at the low water mark of medium tides below Nelson Hill on Brownsea Island;
- (c) The area known as Baiter, being all the land above high water mark of medium tides and lying to the south-east of a straight line drawn from the north-west corner of the southern end of Green Road in a north-easterly direction to the south-westerly point of Poole Park Boating Lake where it meets the main London to Weymouth railway line;
- (d) Poole Park Boating Lake including the model yacht enclosures and footbridge together with the railway track and its abutments between that lake and Parkstone Bay; and
- (e) Whitecliffe Recreation Ground.

RESTRICTION OF ENTRY

The part of the Poole Harbour Sanctuary which is subject to the restriction on entry imposed by article 7 above consists of the north-eastern part of Brownsea Island: that is to say, so much of the area described in paragraph (a) of Schedule 1 as lies to the north and east of an imaginary line commencing at the point on the low water mark of medium tides at the north-eastern corner of the seaward end of the slipway to the boathouse near Quay Cottages and running westward in a straight line to the drain behind those cottages and thereafter south-westward along the middle of that drain to the northern side of the track leading to St. Mary's Church, westerly and north westerly along the said northern side and its continuation (known as Middle Street) towards Maryland, to the point near Lonsdale Wood where a track to Harlequin Hill meets Middle Street, northerly along the eastern side of the said track to the metal gate to the nature reserve on Harlequin Hill, north-westerly in a straight line to the point on the low water mark of medium tides nearest the notice displayed on the beach indicating the eastern end of the public beach and the western end of the nature reserve beach, and, finally, along the said low water mark to the starting point aforesaid.

Peter Shore,

22nd August 1978.

Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order establishes the area of Poole Harbour in Dorset as a bird sanctuary. Article 5 makes the acts therein specified offences against the Protection of Birds Act 1954, and article 6 makes such acts liable to a special penalty. Article 7 prohibits entry into that part of the sanctuary specified in Schedule 2, other than the inter-tidal zone.